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E-FILED - 4/2/09

Attorneys for Defendant
MID CAL PLASTERING, INC. dba QUALITY
PLASTERING CORP.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HABNER YOEL GARCIA FLORIAN,
Plaintiff,
vs.
MID CAL PLASTERING, INC. dba
QUALITY PLASTERING CORP.,
Defendants.

CASE NO. C08-05751 RMW(HRL)

**STIPULATION RE: ARBITRATION;
[PROPOSED] ORDER COMPELLING
ARBITRATION AND DISMISSING
ACTION WITHOUT PREJUDICE**

Ctrm.: 6
Judge: Hon. Ronald M. Whyte

IT IS STIPULATED by the parties, Plaintiff HABNER YOEL GARCIA
FLORIAN and Defendant MID CAL PLASTERING, INC. dba QUALITY
PLASTERING CORP., by and through their respective attorneys below, as follows:

1. This action shall be dismissed without prejudice.
2. Plaintiff and Defendant are parties to a written agreement to arbitrate, the Mutual Arbitration Policy and Employee Agreement to Arbitrate dated June 19, 2006. Pursuant to this Agreement and the Federal Arbitration Act, Plaintiff will submit any and all claims that arise out of or relate to this action, as alleged in the Complaint, or his employment with Defendant to final and binding arbitration as required by the terms of the written agreement to arbitrate.

1 IT IS SO STIPULATED.

2 Based on the above Stipulation, the parties now jointly apply for and consent to
3 entry by the Court of an Order dismissing the action without prejudice and compelling
4 arbitration in the form proposed below.

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6 DATED: March 11, 2009

HILL, FARRER & BURRILL LLP

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8 By: 

JAMES A. BOWLES
Attorneys for Defendant
MID CAL PLASTERING, INC. dba
QUALITY PLASTERING CORP.

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11 DATED: March 11, 2009

LAW OFFICES OF TOMAS E.
MARGAIN

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13
14 By: 

JACOB SIDER
Attorneys for Plaintiff
HABNER YOEL GARCIA FLORIAN

HILL, FARRER & BURRILL LLP
A LIMITED LIABILITY PARTNERSHIP
ATTORNEYS AT LAW
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C08-05751 RMW

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: _____

UNITED STATES DISTRICT COURT JUDGE

HILL, FARRER & BURRILL LLP
A LIMITED LIABILITY PARTNERSHIP
ATTORNEYS AT LAW
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